

(P. 398) 2/23/93

House Sub Comm. - Transportation
Finken, Blodgett, Ollie

2.15-93 DO PASS

FILED FEB 1993

SENATE FILE 7B
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 53)

Passed Senate, Date ^(P. 294) 2-11-93 Passed House, Date ^(P. 1393) 4-19-93
Vote: Ayes 48 Nays 1 Vote: Ayes 96 Nays 1
Approved April 27

A BILL FOR

1 An Act making technical changes to transportation Code provisions
2 concerning applications for registration and title, relating
3 to the speed limit laws, concerning the agency appeal process
4 regarding the sale of railroad property, and relating to the
5 issuance of commercial vehicle violation citations.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

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2 Section 1. Section 321.25, unnumbered paragraph 1, Code
3 1993, is amended to read as follows:

4 A vehicle may be operated upon the highways of this state
5 without registration plates for a period of thirty days after
6 the date of delivery of the vehicle to the purchaser from a
7 dealer if a card bearing the words "registration applied for"
8 is attached on the rear of the vehicle. The card shall have
9 plainly stamped or stenciled the registration number of the
10 dealer from whom the vehicle was purchased and the date of
11 delivery of the vehicle. In addition, a dealer licensed to
12 sell new motor vehicles may attach the card to a new motor
13 vehicle delivered by the dealer to the purchaser even if the
14 vehicle was purchased from an out-of-state dealer and the card
15 shall bear the registration number of the dealer that
16 delivered the vehicle. A dealer shall not issue a card to a
17 person known to the dealer to be in possession of registration
18 plates which may be attached to the vehicle. A dealer shall
19 not issue a card unless an application for registration and
20 certificate of title has been made by the purchaser and a
21 receipt issued to the purchaser of the vehicle showing the fee
22 paid by the person making the application. Dealers' records
23 shall indicate the agency to which the fee is sent and the
24 date the fee is sent. The dealer shall forward the
25 application by the purchaser to the county treasurer or state
26 office within fifteen calendar days from the date of delivery
27 of the vehicle. However, if the vehicle is subject to a
28 security interest and has been offered for sale pursuant to
29 section 321.48, subsection 1, the dealer shall forward the
30 application by the purchaser to the county treasurer or state
31 office within twenty-two calendar days from the date of the
32 delivery of the vehicle to the purchaser.

33 Sec. 2. Section 321.49, subsection 1, Code 1993, is
34 amended to read as follows:

35 1. Except as provided in section 321.52, if an application

1 for transfer of registration and certificate of title is not
2 submitted to the county treasurer of the residence of the
3 transferee within fifteen days of the date of assignment or
4 transfer of title, or within twenty-two days of the date of
5 delivery to the purchaser if the vehicle is subject to a
6 security interest and was offered for sale pursuant to section
7 321.48, subsection 1, a penalty of ten dollars shall accrue
8 against the applicant, and no registration card or certificate
9 of title shall be issued to the applicant for the vehicle
10 until the penalty is paid.

11 DIVISION II

12 Sec. 3. Section 321.285, unnumbered paragraph 2, Code
13 1993, is amended to read as follows:

14 The following shall be the lawful speed except as
15 ~~hereinbefore or hereinafter modified~~ provided by this section,
16 or except as posted pursuant to sections 262.68; 321.236,
17 subsection 5; 321.288, subsection 6; 321.289; 321.290;
18 321.293; 321.295; and 461A.36, and any speed in excess thereof
19 shall be unlawful:

20 Sec. 4. Section 321.285, subsection 3, Code 1993, is
21 amended by striking the subsection.

22 Sec. 5. Section 321.285, subsection 5, Code 1993, is
23 amended to read as follows:

24 5. ~~Fifty-five~~ Notwithstanding any other speed
25 restrictions, the speed limit for all vehicular traffic shall
26 be fifty-five miles per hour from sunset to sunrise and fifty-
27 five miles per hour from sunrise to sunset.

28 Sec. 6. Section 321.285, subsection 6, Code 1993, is
29 amended by striking the subsection.

30 Sec. 7. Section 321.285, subsection 8, unnumbered
31 paragraph 1, Code 1993, is amended to read as follows:

32 Notwithstanding any other speed restrictions, the speed
33 limit for all vehicular traffic ~~except vehicles subject to~~
34 ~~the provisions of section 321.286~~ on fully controlled access,
35 divided, multilaned highways including the national system of

1 interstate highways designated by the federal highway
2 administration and this state (23 U.S.C. sec. 103 (e)) is
3 sixty-five miles per hour. However, the department or cities
4 with the approval of the department may establish a lower
5 speed limit upon such highways located within the corporate
6 limits of a city ~~and-used-as-city-alternate-routes,-commonly~~
7 ~~referred-to-as-"freeways-".~~ For the purposes of this
8 subsection a fully controlled-access highway is a highway that
9 gives preference to through traffic by providing access
10 connections with selected public roads only and by prohibiting
11 crossings at grade or direct private driveway connections. A
12 minimum speed of forty miles per hour, road conditions
13 permitting, is established on the highways referred to in this
14 subsection.

15 Sec. 8. Section 321.291, Code 1993, is amended to read as
16 follows:

17 321.291 INFORMATION OR NOTICE.

18 In every charge of violation of ~~sections~~ section 321.285 to
19 ~~321-287~~ the information, also the notice to appear, shall
20 specify the speed at which the defendant is alleged to have
21 driven, also the speed limit applicable within the district or
22 at the location.

23 Sec. 9. Section 321.292, Code 1993, is amended to read as
24 follows:

25 321.292 CIVIL ACTION UNAFFECTED.

26 The foregoing provisions of ~~sections~~ section 321.285 to
27 ~~321-287~~ shall not be construed to relieve the plaintiff in any
28 civil action from the burden of proving negligence upon the
29 part of the defendant as the proximate cause of an accident.

30 Sec. 10. Section 805.8, subsection 2, paragraph g,
31 subparagraph (1), Code 1993, is amended to read as follows:

32 (1) For excessive speed violations when not more than five
33 miles per hour in excess of the limit under sections ~~461A-367~~
34 ~~321.236~~, subsections 5 and 11, 321.285, ~~321-286-and-321-287~~
35 and 461A.36, the scheduled fine is ten dollars.

1 Sec. 11. Section 805.8, subsection 2, paragraph g,
2 subparagraph (3), Code 1993, is amended to read as follows:

3 (3) For excessive speed violations when in excess of the
4 limit under sections 321.236, subsections 5 and 11, 321.285,
5 ~~321.286, 321.287,~~ and 461A.36 by five or less miles per hour
6 the fine is ten dollars, by more than five and not more than
7 ten miles per hour the fine is twenty dollars, by more than
8 ten and not more than fifteen miles per hour the fine is
9 thirty dollars, by more than fifteen and not more than twenty
10 miles per hour the fine is forty dollars, and by more than
11 twenty miles per hour the fine is forty dollars plus two
12 dollars for each mile per hour of excessive speed over twenty
13 miles per hour over the limit.

14 Sec. 12. Section 805.8, subsection 2, paragraph k, Code
15 1993, is amended to read as follows:

16 k. For violations by operators of school buses and
17 emergency vehicles, and for violations by other motor vehicle
18 operators when in vicinity, under sections 321.231, 321.324,
19 and 321.372 ~~and 321.377,~~ the scheduled fine is twenty-five
20 dollars. ~~However, excessive speed by a school bus in excess of~~
21 ~~ten miles over the limit is not a scheduled violation.~~

22 Sec. 13. Section 805.8, subsection 2, paragraph k, Code
23 1993, is amended by adding the following new unnumbered
24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. For violations by operators of
26 school buses under section 321.285, the scheduled fine is
27 twenty-five dollars. However, excessive speed by a school bus
28 in excess of ten miles over the limit is not a scheduled
29 violation.

30 Sec. 14. Sections 321.286, 321.287, and 321.377, Code
31 1993, are repealed.

32 DIVISION III

33 Sec. 15. Section 321.449, unnumbered paragraph 9, Code
34 1993, is amended to read as follows:

35 Rules adopted under this section concerning periodic

1 inspections shall not apply to special trucks as defined in
2 section 321.1, subsection 76, and registered under section
3 ~~321-123~~ 321.121.

4 DIVISION IV

5 Sec. 16. Section 327G.78, Code 1993, is amended to read as
6 follows:

7 327G.78 SALE OF RAILROAD PROPERTY.

8 Subject to sections 327G.77 and 6A.16, when a railroad
9 corporation, its trustee, or its successor in interest has
10 interests in real property adjacent to a railroad right-of-way
11 that are abandoned by order of the interstate commerce
12 commission, reorganization court, bankruptcy court, or the
13 department, or when a railroad corporation, its trustee, or
14 its successor in interest seeks to sell its interests in that
15 property under any other circumstance, the railroad
16 corporation, its trustee, or its successor in interest shall
17 extend a written offer to sell at a fair market value price to
18 the persons holding leases, licenses, or permits upon those
19 properties, allowing sixty days from the time of receipt for a
20 written response. If a disagreement arises between the
21 parties concerning the price or other terms of the sale
22 transaction, either or both parties may make written
23 application to the department to resolve the disagreement.
24 The application shall be made within sixty days from the time
25 an initial written response is served upon the railroad
26 corporation, trustee, or successor in interest by the person
27 wishing to purchase the property. The department shall notify
28 the department of inspections and appeals which shall hear the
29 controversy and make a final determination of the fair market
30 value of the property and the other terms of the transaction
31 which were in dispute, within ninety days after the
32 application is filed. The determination is subject to review
33 by the department and the department's decision is the final
34 agency action. All correspondence shall be by certified mail.
35 The decision of the department of inspections and appeals

1 is binding on the parties, except that a person who seeks to
2 purchase the real property may withdraw the offer to purchase
3 within thirty days of the decision of the department of
4 inspections-and-appeals. If a withdrawal is made, the
5 railroad corporation, trustee, or successor in interest may
6 sell or dispose of the real property without further order of
7 the department of-inspections-and-appeals.

8 This section does not apply when a rail line is being sold
9 for continued railroad use.

10

DIVISION V

11 Sec. 17. Section 6A.10, subsection 1, Code 1993, is
12 amended to read as follows:

13 1. The railway corporation shall apply to the department
14 of transportation for permission to condemn. The department
15 may, after hearing, report to the clerk of the district court
16 clerk of the county in which the land is situated the
17 description of the land sought to be condemned. The
18 corporation may begin condemnation procedures in district
19 court for the land described by the authority department.

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DIVISION VI

21 Sec. 18. Section 602.8106, subsection 4, Code 1993, is
22 amended to read as follows:

23 4. The clerk shall deposit all other fines and forfeited
24 bail received from a magistrate in the court revenue
25 distribution account established in section 602.8108,
26 including those fines which are imposed through commercial
27 vehicle violation citations issued by motor vehicle division
28 personnel ~~at-portable-and-fixed-weigh-stations-in-the-state~~.

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EXPLANATION

30 Division I of the bill permits "paper plates" to be put on
31 the vehicles that have been sold by a dealer in another state
32 but have been shipped to and delivered by an Iowa dealer to
33 the purchaser. Division I also allows a dealer 22 days,
34 instead of 15 days, to submit a purchaser's application for
35 registration and title when the vehicle is subject to a

1 security interest and being offered for sale pursuant to
2 section 321.48, subsection 1, pertaining to vehicles acquired
3 for resale.

4 Division II of the bill consolidates speed limit law into
5 one section.

6 Division III corrects a section reference in the Code and
7 references the proper Code section concerning the registration
8 of special trucks.

9 Division IV provides that the determination of the
10 department of inspections and appeals concerning the sale of
11 railroad property is subject to review by the state department
12 of transportation and the department of transportation's
13 determination is final agency action.

14 Division V changes a reference from authority to the state
15 department of transportation reflecting the fact that the
16 authority referred to has been abolished.

17 Division VI provides that commercial vehicle violation
18 citations may be issued at other than portable and fixed weigh
19 stations and for reasons other than weight violations.

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LLOYD-JONES, CH.
GETTINGS
DRAKE

SSB 53
TRANSPORTATION

SENATE/HOUSE FILE 78
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making technical changes to transportation Code provisions
2 relating to the speed limit laws, concerning the agency appeal
3 process regarding the sale of railroad property, and relating
4 to the issuance of commercial vehicle violation citations.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

Section 1. Section 321.285, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The following shall be the lawful speed except as ~~hereinbefore or hereinafter modified~~ provided by this section, or except as posted pursuant to sections 262.68; 321.236, subsection 5; 321.288, subsection 6; 321.289; 321.290; 321.293; 321.295; and 461A.36, and any speed in excess thereof shall be unlawful:

Sec. 2. Section 321.285, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 3. Section 321.285, subsection 5, Code 1993, is amended to read as follows:

5. Fifty-five Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour from sunset to sunrise and fifty-five miles per hour from sunrise to sunset.

Sec. 4. Section 321.285, subsection 6, Code 1993, is amended by striking the subsection.

Sec. 5. Section 321.285, subsection 8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic, ~~except vehicles subject to the provisions of section 321.286~~ on fully controlled access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. sec. 103 (e)) is sixty-five miles per hour. However, the department or cities with the approval of the department may establish a lower speed limit upon such highways located within the corporate limits of a city ~~and used as city alternate routes, commonly referred to as "freeways."~~ For the purposes of this subsection a fully controlled access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting

1 crossings at grade or direct private driveway connections. A
2 minimum speed of forty miles per hour, road conditions
3 permitting, is established on the highways referred to in this
4 subsection.

5 Sec. 6. Section 321.291, Code 1993, is amended to read as
6 follows:

7 321.291 INFORMATION OR NOTICE.

8 In every charge of violation of ~~sections~~ section 321.285 to
9 ~~321-287~~ the information, also the notice to appear, shall
10 specify the speed at which the defendant is alleged to have
11 driven, also the speed limit applicable within the district or
12 at the location.

13 Sec. 7. Section 321.292, Code 1993, is amended to read as
14 follows:

15 321.292 CIVIL ACTION UNAFFECTED.

16 The foregoing provisions of ~~sections~~ section 321.285 to
17 ~~321-287~~ shall not be construed to relieve the plaintiff in any
18 civil action from the burden of proving negligence upon the
19 part of the defendant as the proximate cause of an accident.

20 Sec. 8. Section 805.8, subsection 2, paragraph g,
21 subparagraph (1), Code 1993, is amended to read as follows:

22 (1) For excessive speed violations when not more than five
23 miles per hour in excess of the limit under sections ~~461A.36,~~
24 321.236, subsections 5 and 11, 321.285, ~~321-286-and-321-287~~
25 and 461A.36, the scheduled fine is ten dollars.

26 Sec. 9. Section 805.8, subsection 2, paragraph g,
27 subparagraph (3), Code 1993, is amended to read as follows:

28 (3) For excessive speed violations when in excess of the
29 limit under sections 321.236, subsections 5 and 11, 321.285,
30 ~~321-286, 321-287,~~ and 461A.36 by five or less miles per hour
31 the fine is ten dollars, by more than five and not more than
32 ten miles per hour the fine is twenty dollars, by more than
33 ten and not more than fifteen miles per hour the fine is
34 thirty dollars, by more than fifteen and not more than twenty
35 miles per hour the fine is forty dollars, and by more than

1 twenty miles per hour the fine is forty dollars plus two
2 dollars for each mile per hour of excessive speed over twenty
3 miles per hour over the limit.

4 Sec. 10. Section 805.8, subsection 2, paragraph k, Code
5 1993, is amended to read as follows:

6 k. For violations by operators of school buses and
7 emergency vehicles, and for violations by other motor vehicle
8 operators when in vicinity, under sections 321.231, 321.324,
9 and 321.372 and-321-377, the scheduled fine is twenty-five
10 dollars:-However,-excessive-speed-by-a-school-bus-in-excess-of
11 ten-miles-over-the-limit-is-not-a-scheduled-violation.

12 Sec. 11. Section 805.8, subsection 2, paragraph k, Code
13 1993, is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. For violations by operators of
16 school buses under section 321.285, the scheduled fine is
17 twenty-five dollars. However, excessive speed by a school bus
18 in excess of ten miles over the limit is not a scheduled
19 violation.

20 Sec. 12. Sections 321.286, 321.287, and 321.377, Code
21 1993, are repealed.

22 DIVISION II

23 Sec. 13. Section 321.449, unnumbered paragraph 9, Code
24 1993, is amended to read as follows:

25 Rules adopted under this section concerning periodic
26 inspections shall not apply to special trucks as defined in
27 section 321.1, subsection 76, and registered under section
28 ~~321-123~~ 321.121.

29 DIVISION III

30 Sec. 14. Section 327G.78, Code 1993, is amended to read as
31 follows:

32 327G.78 SALE OF RAILROAD PROPERTY.

33 Subject to sections 327G.77 and 6A.16, when a railroad
34 corporation, its trustee, or its successor in interest has
35 interests in real property adjacent to a railroad right-of-way

1 that are abandoned by order of the interstate commerce
2 commission, reorganization court, bankruptcy court, or the
3 department, or when a railroad corporation, its trustee, or
4 its successor in interest seeks to sell its interests in that
5 property under any other circumstance, the railroad
6 corporation, its trustee, or its successor in interest shall
7 extend a written offer to sell at a fair market value price to
8 the persons holding leases, licenses, or permits upon those
9 properties, allowing sixty days from the time of receipt for a
10 written response. If a disagreement arises between the
11 parties concerning the price or other terms of the sale
12 transaction, either or both parties may make written
13 application to the department to resolve the disagreement.
14 The application shall be made within sixty days from the time
15 an initial written response is served upon the railroad
16 corporation, trustee, or successor in interest by the person
17 wishing to purchase the property. The department shall notify
18 the department of inspections and appeals which shall hear the
19 controversy and make a final determination of the fair market
20 value of the property and the other terms of the transaction
21 which were in dispute, within ninety days after the
22 application is filed. The determination is subject to review
23 by the department and the department's decision is the final
24 agency action. All correspondence shall be by certified mail.

25 The decision of the department ~~of-inspections-and-appeals~~
26 is binding on the parties, except that a person who seeks to
27 purchase the real property may withdraw the offer to purchase
28 within thirty days of the decision of the department of
29 ~~inspections-and-appeals~~. If a withdrawal is made, the
30 railroad corporation, trustee, or successor in interest may
31 sell or dispose of the real property without further order of
32 the department ~~of-inspections-and-appeals~~.

33 This section does not apply when a rail line is being sold
34 for continued railroad use.

35

DIVISION IV

1 Sec. 15. Section 6A.10, subsection 1, Code 1993, is
2 amended to read as follows:

3 1. The railway corporation shall apply to the department
4 of transportation for permission to condemn. The department
5 may, after hearing, report to the clerk of the district court
6 ~~clerk~~ of the county in which the land is situated the
7 description of the land sought to be condemned. The
8 corporation may begin condemnation procedures in district
9 court for the land described by the authority department.

10

DIVISION V

11 Sec. 16. Section 602.8106, subsection 4, Code 1993, is
12 amended to read as follows:

13 4. The clerk shall deposit all other fines and forfeited
14 bail received from a magistrate in the court revenue
15 distribution account established in section 602.8108,
16 including those fines which are imposed through commercial
17 vehicle violation citations issued by motor vehicle division
18 personnel ~~at-portable-and-fixed-weigh-stations-in-the-state~~.

19

EXPLANATION

20 Division I of the bill consolidates speed limit law into
21 one section.

22 Division II corrects a section reference in the Code and
23 references the proper Code section concerning the registration
24 of special trucks.

25 Division III provides that the determination of the
26 department of inspections and appeals concerning the sale of
27 railroad property is subject to review by the state department
28 of transportation and the department of transportation's
29 determination is final agency action.

30 Division IV changes a reference from authority to the state
31 department of transportation reflecting the fact that the
32 authority referred to has been abolished.

33 Division V provides that commercial vehicle violation
34 citations may be issued at other than portable and fixed weigh
35 stations and for reasons other than weight violations.

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BACKGROUND STATEMENT
SUBMITTED BY THE AGENCY

Division I of the bill consolidates speed limit law into one section. This eliminates duplication and makes referencing speed law easier. Two subsections in section 321.285 are being stricken because they no longer apply to today's motoring configurations.

Division II changes an error since special trucks are registered under section 321.121, not section 321.123.

Division III of the bill makes the appeal process regarding the sale of railroad property the same as other processes when the department of inspections and appeals holds the hearing and makes a recommendation and the state department of transportation retains final agency action.

Division IV of the bill substitutes the state department of transportation for authority since authority refers to the transportation regulation authority abolished in 1986.

Division V of the bill reflects the fact that the motor vehicle division issues citations at other than portable and fixed weigh stations and for reasons other than weight violations.

SENATE FILE 78

AN ACT

MAKING TECHNICAL CHANGES TO TRANSPORTATION CODE PROVISIONS CONCERNING APPLICATIONS FOR REGISTRATION AND TITLE, RELATING TO THE SPEED LIMIT LAWS, CONCERNING THE AGENCY APPEAL PROCESS REGARDING THE SALE OF RAILROAD PROPERTY, AND RELATING TO THE ISSUANCE OF COMMERCIAL VEHICLE VIOLATION CITATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

Section 1. Section 321.25, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A vehicle may be operated upon the highways of this state without registration plates for a period of thirty days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the

date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within fifteen calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within twenty-two calendar days from the date of the delivery of the vehicle to the purchaser.

Sec. 2. Section 321.49, subsection 1, Code 1993, is amended to read as follows:

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within fifteen days of the date of assignment or transfer of title, or within twenty-two days of the date of delivery to the purchaser if the vehicle is subject to a security interest and was offered for sale pursuant to section 321.48, subsection 1, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid.

DIVISION II

Sec. 3. Section 321.285, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The following shall be the lawful speed except as hereinbefore-or-hereinafter-modified provided by this section, or except as posted pursuant to sections 262.68; 321.236, subsection 5; 321.288, subsection 5; 321.289; 321.290; 321.293; 321.295; and 461A.36, and any speed in excess thereof shall be unlawful:

Sec. 4. Section 321.285, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 5. Section 321.285, subsection 5, Code 1993, is amended to read as follows:

5. ~~Fifty-five Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour from sunset to sunrise and fifty-five miles per hour from sunrise to sunset.~~

Sec. 6. Section 321.285, subsection 6, Code 1993, is amended by striking the subsection.

Sec. 7. Section 321.285, subsection 8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic ~~except vehicles subject to the provisions of section 321.286~~ on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. sec. 103 (e)) is sixty-five miles per hour. However, the department or cities with the approval of the department may establish a lower speed limit upon such highways located within the corporate limits of a city ~~and used as city alternate routes, commonly referred to as "freeways."~~ For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. A minimum speed of forty miles per hour, road conditions permitting, is established on the highways referred to in this subsection.

Sec. 8. Section 321.291, Code 1993, is amended to read as follows:

321.291 INFORMATION OR NOTICE.

In every charge of violation of ~~sections section~~ 321.285 to ~~321.287~~ the information, also the notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

Sec. 9. Section 321.292, Code 1993, is amended to read as follows:

321.292 CIVIL ACTION UNAFFECTED.

The foregoing provisions of ~~sections section~~ 321.285 to ~~321.287~~ shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

Sec. 10. Section 805.8, subsection 2, paragraph g, subparagraph (1), Code 1993, is amended to read as follows:

(1) For excessive speed violations when not more than five miles per hour in excess of the limit under sections ~~461A.36, 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287~~ and 461A.36, the scheduled fine is ten dollars.

Sec. 11. Section 805.8, subsection 2, paragraph g, subparagraph (3), Code 1993, is amended to read as follows:

(3) For excessive speed violations when in excess of the limit under sections 321.236, subsections 5 and 11, 321.285, ~~321.286, 321.287~~ and 461A.36 by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Sec. 12. Section 805.8, subsection 2, paragraph k, Code 1993, is amended to read as follows:

k. For violations by operators of school buses and emergency vehicles, and for violations by other motor vehicle operators when in vicinity, under sections 321.231, 321.324, and 321.372 ~~and 321.377~~, the scheduled fine is twenty-five dollars. ~~However, excessive speed by a school bus in excess of ten miles over the limit is not a scheduled violation.~~

Sec. 13. Section 805.8, subsection 2, paragraph k, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For violations by operators of school buses under section 321.285, the scheduled fine is twenty-five dollars. However, excessive speed by a school bus in excess of ten miles over the limit is not a scheduled violation.

Sec. 14. Sections 321.286, 321.287, and 321.377, Code 1993, are repealed.

DIVISION III

Sec. 15. Section 321.449, unnumbered paragraph 9, Code 1993, is amended to read as follows:

Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 76, and registered under section ~~321.123~~ 321.121.

DIVISION IV

Sec. 16. Section 327G.78, Code 1993, is amended to read as follows:

327G.78 SALE OF RAILROAD PROPERTY.

Subject to sections 327G.77 and 6A.16, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the interstate commerce commission, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale

transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

The decision of the department of inspections-and-appeals is binding on the parties, except that a person who seeks to purchase the real property may withdraw the offer to purchase within thirty days of the decision of the department of inspections-and-appeals. If a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the department of inspections-and-appeals.

This section does not apply when a rail line is being sold for continued railroad use.

DIVISION V

Sec. 17. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The department may, after hearing, report to the clerk of the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority department.

DIVISION VI

Sec. 18. Section 602.8106, subsection 4, Code 1993, is amended to read as follows:

4. The clerk shall deposit all other fines and forfeited bail received from a magistrate in the court revenue distribution account established in section 602.8108, including those fines which are imposed through commercial vehicle violation citations issued by motor vehicle division personnel ~~at-portable-and-fixed-weigh-stations-in-the-state.~~

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 78, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1993

TERRY E. BRANSTAD
Governor